HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 3039 of 2007

DATED: 19-02-2007

Between:

Tayyib Muslim Welfare Society, Ramarajupalli Village,
Kadapa District, rep. by its Secretary,
Md. Hussain Ahmad Sardari and others

…Petitioners

and

The Central Bank of India, rep. by its
Branch Manager, Kadapa Branch,
Kadapa District

…Respondent.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 3039 of 2007

ORAL ORDER:

The grievance of the petitioners is against a communication by the respondent-Bank, dated 5-2-2007, whereby the Bank has declined to permit the operation of Savings Bank Account Nos. 5675, 5754, 6033, 5887 and 10351 of Tayyib Muslim Welfare Society, Ramarajupalli Village, Kadapa District.

Certain disputes had arisen with regard to the Management and control of the petitioner-society. One Hameed Hussain, a member of the Society filed O.P.No. 720 of 2006 before the Court of the Principal District Judge, Kadapa, assailing the Management and control of the society by the petitioners 2 and 3. An ad-interim injunction restraining the petitioners 2 and 3 from managing the society was granted by the Court of the first instance in the aforementioned suit, in I.A.No.3031 of 2006, on 4-1-2007. Aggrieved thereby, the respondents in the I.A. preferred a revision. In an interlocutory order in C.R.P.No.251 of 2007, this Court by the order dated 22-1-2007 suspended the interlocutory injunctive order of the trial Court dated 4-1-2007. The 3rd petitioner, thereupon, on 27-1-2007 addressed the respondent-Bank, intimating it, the order of this Court in the C.R.P. Thereafter when the petitioners wanted to operate the accounts standing in the name of the 1st petitioner-Society, the Bank issued the intimation dated 5-2-2007, impugned herein.

Apparently, the Bank is playing safe. In view of the disputes and

the competing claims to the management and control of the 1st petitioner society, the respondent-Bank does not wish to take a risk. This may be a deficiency in service or it may not. The conduct of the Bank in declining to permit the petitioners to operate the accounts does not violate any statutory architecture. No public law issues arise for consideration. The petitioners, if aggrieved, may seek remedy before the appropriate forum, either under the Consumer Protection Act, before an arbitrator, if there be an arbitration clause, before the Banking Ombudsman if such remedy is available or before the Civil Court of competent jurisdiction. Article 226 of the Constitution of India appears to be off limits.

The writ petition is without merits and the same is accordingly dismissed. No order as to costs.

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GODA RAGHURAM, J

19-02-2007
GRR